



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 4th May, 2007:—

BILL No. 9 OF 2007

A Bill to provide for establishment of a Tourism Promotion Corporation of India to promote and develop tourism in the country and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tourism Promotion Corporation of India Act, 2007.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) “appropriate Government” means a State Government or the Central Government, as the case may be;

(ii) “Director-General” means the Director-General of Tourism Promotion Corporation of India established under section 3;

(iii) “prescribed” means prescribed by rules made under this Act; and

(iv) “tourist centre” means a centre declared as a tourist centre by the appropriate Government.

Tourism
Promotion
Corporation of
India.

3. (1) The Central Government shall establish a Corporation to be known as Tourism Promotion Corporation of India with its headquarters at New Delhi.

(2) The Corporation shall have its office in the capital city of each State and Union Territory:

Provided that the Corporation may set up its offices at any tourist centre or other places with the prior approval of the Central Government.

Corporation to
be headed by
Director-
General.

4. (1) The Corporation shall be headed by a Director-General.

(2) Each office of the Corporation shall be headed by a Director and shall consist of such number of officers and other staff as may be required for its efficient functioning.

Functions of the
Corporation.

5. The Corporation shall perform the following functions:—

(i) formulation of a tourism policy in consultation with the State Governments;

(ii) giving wide publicity to its policies and programmes through all means of communication including print and electronic media;

(iii) advising Central Government with regard to financial assistance to be provided to State Governments for creating infrastructure at all tourist centres;

(iv) providing better connectivity to all places of tourist importance by way of creation of adequate infrastructure;

(v) setting up tourist facilitation centres at all airports and railway stations with a view to facilitate travelling, boarding and lodging for the tourists including reservation in air services, trains, buses, hotels and motels;

(vi) conducting organized tours to different tourist centres;

(vii) setting up hotels, restaurants and motels at all tourist centres with a view to catering to the needs of different categories of tourists;

(viii) preparing a list of paying-guest accommodation available at places having inadequate hotel or motel accommodation;

(ix) make arrangements for provision of adequate paying-guest accommodation for tourists at tourist centres having no hotels run by the Corporation;

(x) organizing cultural functions in cooperation with the appropriate Government and other organisations concerned at various tourist places at regular intervals with a view to creating awareness among the general public and foreign tourists about the Indian culture and tradition;

(xi) organizing cultural functions in various countries in co-ordination with Indian Embassies/High Commissions in those countries with a view to depicting Indian culture and tradition;

(xii) sending experts in the fields of art, music and such other activities as it may deem fit, to various countries for participating in programmes aimed at depicting Indian culture;

(xiii) training tourist guides and tour operators regarding historical background of tourist centres and courtesy to be extended to tourists, especially foreign tourists;

(xiv) setting up health resorts based on Indian system of medicine at various tourist places in consultation with the appropriate Government;

(xv) making arrangements for security of foreign tourists at various tourist centres in consultation with the appropriate Government; and

(xvi) coordinating with the Archaeological Survey of India with a view to preserving and promoting monuments declared as of national importance.

6. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

India is a large country having vast tourist potential. However, it has not been exploited fully to the advantage of the country. Every year, lakhs of tourists visit our country from all over the world.

It is a known fact that the foreign tourists face hardship and suffer unpleasant experiences while they travel in our country. They get cheated by middlemen, touts and others for arranging reservations for journey, hotels, etc. Many of them carry a bad impression about our country on their return. As a result, prospective tourists are discouraged from visiting our country. Consequently there is a heavy loss of foreign exchange to the country.

India is a vast country having different cultures and traditions and various languages. People of one region are not aware of the culture and tradition of people belonging to the other regions. As such they face a lot of difficulties while visiting important tourist places. Moreover, the tourist centres in many places require adequate facilities and the States are not in a position to spend the money. Security to foreign tourists also has to be taken into consideration. Therefore, it is proposed to set up a Tourism Promotion Corporation of India with a view to promote tourism in the country and attract foreign tourists in large numbers. It is also proposed to provide that the Corporation shall function with a professional approach in order to promote tourism.

Hence this Bill.

NEW DELHI;
December 18, 2006

K.S. RAO.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall set up a Corporation to be known as Tourist Promotion Corporation of India with its headquarters at New Delhi and an office in each State and Union Territory. Clause 4 provides that the Corporation shall consist of a Director-General, number of Directors and Officers. Clause 5 provides that the Corporation shall perform various functions to augment infrastructural and other facilities for tourists in all tourist places.

The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees one thousand crore from the Consolidated Fund of India.

A non-recurring expenditure of rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 2 OF 2007

A Bill to provide for the setting up of a National Commission for Small and Tiny Industries and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Small and Tiny Industries Act, 2007.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "prescribed" means prescribed by rules made under this Act;

(b) "small and tiny industry" means any industry involved in the manufacturing or processing of consumer or household products such as, bread, biscuit, and other confectionery items, fast food or other food products, detergents, soaps, kitchen items, shoe and leather goods, cosmetics and skin care products, herbal products for medicinal and other purposes, stationery and electrical items, hardware and sanitary ware items or any other item which may be prescribed and where the total capital invested in running the business does not exceed rupees ten lakh.

National
Commission
for Small and
Tiny Indus-
tries.

3. (1) The Central Government shall set up a National Commission for Small and Tiny Industries.

(2) The Commission shall consist of a Chairman and four other members possessing such qualifications as may be prescribed.

(3) The salaries, allowances and other terms and conditions of service of the Chairman and other Members, shall be such as may be prescribed by the Central Government.

State Commis-
sion for Small
and Tiny
Industries.

4. (1) Every State Government and Union territory Administration shall constitute a Commission for small and tiny industries to be known as the State or Union territory Commission for Small and Tiny Industries.

(2) The Commission shall consist of a Chairman and four other Members representing such disciplines as may be determined by the State Government or Union territory Administration.

(3) The salaries, allowances and other terms and conditions of service of the Chairman and other Members shall be such as may be prescribed by the State Government or Union territory Administration.

Functions of
the National
Commission.

5. The National Commission shall perform the following functions, namely:—

- (i) formulation of policy for the development of small and tiny industries;
- (ii) coordination with the State/Union territory Commissions regarding development of small and tiny industries;
- (iii) formulation of guidelines regarding financial assistance or loans by banks or financial institutions to small and tiny industries;
- (iv) recommend to the Central Government steps to be taken for the welfare of persons engaged in small and tiny industries; and
- (v) such other functions, as may be assigned to it by the Central Government.

Functions of
the State
Commissions.

6. The State/Union territory Commissions shall perform the following functions,—

- (i) provide assistance to the small and tiny industries in matters such as acquiring license, building of infrastructure, from the State Governments or Union territory Administrations concerned;
- (ii) provide assistance to the small and tiny industries in obtaining loans from commercial banks and other financial institutions;
- (iii) implement the national policy for the development of small and tiny industries in respect of the State/Union territory;
- (iv) advise the respective State Government/Union territory Administration regarding any matter relating to development of small and tiny industries in the State/Union territory;
- (v) send regular report or information, as the case may be, to the National Commission from time to time; and
- (vi) such other functions as may be assigned to it by the State Government or the Union territory Administration.

Power to
make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

STATEMENT OF OBJECTS AND REASONS

The small and tiny industries are very important for our economy as they prevent concentration of wealth in few hands, decentralize the manufacturing processes and provide employment on large scale. It simultaneously provides choice to the consumers and a source of revenue to the State by way of payment of taxes. But, as yet, there is no clear-cut policy for the development of small and tiny industries in the country. Earlier, certain categories of industries were reserved exclusively for the small scale sector, but now it has been dispensed with. Now big industrial houses and even multinational companies are penetrating the small scale sector as well as the retail sector, thereby becoming a threat to the existence of small and tiny industries, as they are not in a position to compete with the former. Further, the small scale entrepreneurs have to run from pillar to post in order to obtain loan, license and other infrastructural facilities. There is no proper authority to assist them and address their grievances. It is proposed to set up a National Commission for Small and Tiny Industries and similar commission at State level to help in their all round development.

Hence this Bill.

NEW DELHI;
November 9, 2006

K.S. RAO.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a National Commission for Small and Tiny Industries consisting of a Chairman and four other members. Clause 4 provides for setting up of Commissions for small and tiny industries in every State and Union territories. The Central Government has to meet expenditure for the Union territories and may also have to provide funds to the State Governments for the Commissions. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten crore per annum. It is also likely to involve a non-recurring expenditure of rupees two crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to frame rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 8 OF 2007

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title.

1. (1) This Act may be called the Constitution (Amendment) Act, 2007.

Insertion of
new article
21B.

2. (1) After article 21A of the Constitution, the following article shall be inserted, namely:—

Right to
adequate
health care.

"21B. (1) Every citizen shall have right to adequate health care free of cost in the hospitals/dispensaries run by the State.

(2) Nothing in clause (1) shall prevent the State from making any provision for charging of fees or cost of treatment from persons, on the basis of criteria to be prescribed by law, having means to bear such fee or cost.

Explanation.— For the purpose of this article, 'health care' shall include consultation, diagnostic tests, medicines, indoor treatment and surgery but shall not include tests or surgery for cosmetic purposes.

(3) Parliament may, by law, provide for a health insurance scheme for citizens to give effect to the provisions of this article."

STATEMENT OF OBJECTS AND REASONS

Majority of our countrymen are either living below the poverty line or are too poor to afford adequate health care which has become very expensive. Thus most of the citizens do not have access to adequate health care. The condition of Government hospitals is pathetic on account of absence of proper infrastructure and also manpower. The cost of treatment in private hospitals is beyond the capacity of common man. Therefore, the common man in the country suffers from lack of adequate health care. India being a welfare country, it is the duty of the Government to take initiative for providing health care to all the citizens. It may charge fee for providing health care from persons who are in a position to pay it.

Given the large size of our population, it may be difficult for the State to meet the expenditure on this account. Therefore, Government may go for health insurance scheme for the citizens and determine the amount to be paid, as premia, by them. Health is a state subject and that is the reason formulating a health insurance scheme has been proposed.

The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;

K.S. RAO.

November 8, 2006

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that every citizen shall have right to adequate health care free of cost in the hospitals/dispensaries run by the State. The Central Government has to provide manpower, infrastructure, etc. in the hospitals/dispensaries. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty thousand crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees ten thousand crore is also likely to be involved.

BILL NO. 10 OF 2007

A Bill to provide for the setting up of a Commission to exploit renewable energy resources in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Renewable Energy Resources Commission Act, 2007.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means a State Government or the Central Government, as the case may be;

(ii) "Commission" means the Renewable Energy Resources Commission set up under section 3 of this Act;

(iii) "prescribed" means prescribed by rules made under this Act; and

(iv) "renewable energy" means energy obtained from non-conventional sources such as sunlight, wind, ethanol, jatropha, urban waste, geothermal sources, tides or waves or any other source from which renewable energy can be obtained.

3. (1) The Central Government shall set up a Commission to be known as the Renewable Energy Resources Commission.

Renewable
Energy
Resources
Commission.

(2) The Commission shall consist of:—

(i) a Chairman to be appointed by the Central Government having such qualification as may be prescribed;

(ii) one representative each from every State/Union territory to be nominated by the State Government/Union territory Administration concerned;

(iii) one representative each from the Planning Commission, Union Ministries of Power, Water Resources, Rural Development, Urban Development, Finance and Environment and Forests; and

(iv) the Secretary, Union Ministry of New and Renewable Energy, who shall be, *ex-officio*, Secretary to the Commission.

(3) The conditions of service, salaries and allowances of Chairman and other members of the Commission shall be such as may be prescribed.

4. (1) Every State Government/Union territory Administration shall constitute a Renewable Energy Resources Commission.

Every State
Government/
Union
territory
Administration
to constitute
Renewable
Energy
Resources
Commission.

(2) The State/Union territory Commission shall consist of a Chairman and such number of other members as the State Government/Union territory Administration may deem necessary to nominate.

5. Every State/Union territory Commission shall, as soon as possible, but not later than one year from the date of commencement of this Act, identify the exploitable sources of renewable energy in their respective jurisdictions and send a report thereon to the Commission.

State
Government
to send
detailed
Report to the
Commission.

6. (1) The Commission shall, on receipt of report from the State/Union territory Commission, depute a team of experts to the State/Union territory to verify and assess the possibility of exploiting renewable energy resources.

Commission
to depute a
team of
experts to the
State/Union
territory.

(2) The team of experts shall submit a report to the Commission at the earliest.

(3) The Commission shall, on the basis of the report submitted by the team of experts, work out the estimated expenditure on the projects relating to exploitation of renewable energy and send a report thereon to the Central Government.

7. (1) The Central Government and the State Governments shall contribute towards the expenditure incurred on the projects relating to exploitation of renewable energy in such ratio as may be prescribed:

Central
Government
and State
Government
to contribute
towards the
expenditure.

Provided that the Central Government shall contribute not less than fifty per cent of the total expenditure.

8. (1) The projects relating to exploitation of renewable energy shall be completed in a time bound manner.

Projects to be
completed in
a time bound
manner.

(2) The Central Government shall release funds for the implementation of projects relating to exploitation of renewable energy after such scrutiny of its progress as it may deem fit.

Power to
make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

STATEMENT OF OBJECTS AND REASONS

India has a vast resource of natural resources—both renewable and non-renewable. In the last few decades, the over dependence on fossil fuels for meeting our energy needs have resulted in many ecological and climatological issues including global warming. All over the world there is a shift towards greater use of renewable energy sources as they are not only available in abundance but also considered to be non-polluting in comparison to fossil fuels. All over world, more than twenty percent of energy requirements are being met through renewable energy sources. In our country, the dependence on fossil fuels is not at all good for our economy as we have to import more than fifty percent of our petroleum requirements. In the coming years, with the acceleration of industrialization and rising demand of energy from our people, demand for power is going to increase manifold and the situation may worsen if immediate steps are not taken to promote exploitation of renewable energy resources. It is proposed to constitute a Renewable Energy Resources Commission with a view to give fillip to the exploitation of renewable energy resources.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 8, 2006

K.S. RAO.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a Renewable Energy Resources Commission. Clause 4 provides that similar Commissions shall be constituted in every State/ Union territory. Clause 6 provides that the Commission shall send a team of experts to the State/Union territory with a view to verify the report sent by the State/Union territory and assess the possibility of exploitation of renewable energy resources. While the expenditure relating to States shall be borne out of the consolidated funds of the respective States, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. Clause 7 provides that the Central Government shall contribute to the expenditure incurred on the projects relating to exploitation of renewable energy in such ratio as may be prescribed. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees ten thousand crore will be involved.

A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 13 OF 2007

A Bill to provide for the setting up of a National Information Technology Commission and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the National Information Technology Commission Act, 2007.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) “appropriate Government” means the State Government or the Central Government, as the case may be;

(ii) “Commission” means the National Information Technology Commission set up under section 3 of this Act; and

(iii) “prescribed” means prescribed by rules made under this Act.

3. The Central Government shall set up a Commission to be known as the National Information Technology Commission to regulate and expedite growth of information technology in the country.

National
Information
Technology
Commission.

4. (1) The Commission shall consist of a Chairman and four other members to be appointed by the Central Government having such qualifications as may be prescribed.

Composition
of the
Commission.

(2) The conditions of service, salaries and allowances of Chairman and other members of the Commission shall be such as may be prescribed.

(3) The Commission shall have such number of officers and staff as may be required for the efficient functioning of the Commission.

5. The Commission shall perform the following functions:—

Functions of
the
Commission.

(i) take appropriate steps to set up information technology parks in cities with population of more than one million and in cities having potential for development of information technology;

(ii) recommend to the Central Government regarding concessions/incentives to be given for the promotion of export of hardware and software; and

(iii) such other functions as may be assigned to it by the Central Government.

6. For the purpose of clause (i) of section 5, the appropriate Government shall afford to the Commission all assistance in making available land free of cost and infrastructural facilities such as electricity, water and roads.

Appropriate
Government
to extend all
help to the
Commission.

7. (1) The Central Government shall, as soon as possible, but in no case later than six months from the commencement of this Act, through notification in the official Gazette, formulate a national policy on information technology.

National
policy on
information
technology.

(2) The policy formulated under sub-section (1) shall be reviewed at least once in every three years, or earlier, if such review is deemed necessary by the Central Government.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Information technology industry is one of the fastest growing industries of the Country. But even now there is tremendous potential for further growth. What is needed is the formulation of a proper policy and assistance from the Government. If these are put in place, there is no doubt that our country will rank number one in terms of export of software and hardware.

At present, there is no clear cut policy for the development of information technology in the Country. The Government does not give any assistance to the companies working in this field. Several foreign companies are willing to set up their offices in our Country but due to lack of required infrastructure they prefer to stay away. As a result these companies go to other countries which offer better infrastructure. This industry can prove to be a major source of revenue for the Government and also provide immense employment opportunities to our people but so far the Government has not done much to tap the huge growth potential of Information Technology industry.

Therefore, it is proposed that a National Commission on Information Technology be set up to regulate and promote the development of information technology industry in the country. It is also proposed that a national policy on information technology be formulated.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 8, 2006

ADHALRAO SHIVAJI PATIL.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a National Commission on Information Technology. Clause 4 provides for the composition of the Commission and salaries and allowances of the Chairman and members of the Commission. Clause 5 provides that the Commission shall set up information technology parks in cities with population of one million or more. Clause 6 provides that the appropriate Government shall provide all assistance to the Commission in setting up of information technology parks. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees ten thousand crores will be involved.

A non-recurring expenditure of about rupees five thousand crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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BILL NO. 14 OF 2007

A Bill to provide for the constitution of Farmers Welfare Fund and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Farmers Welfare Fund Act, 2007.

Short title
and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "farmer" means any person engaged in agriculture and whose landholding does not exceed five acres of land;

(ii) "Fund" means Farmers Welfare Fund constituted under section (3) of this Act; and

(iii) "prescribed" means prescribed by rules made under this Act.

Farmers
Welfare Fund.

3. (1) The Central Government shall constitute a Fund to be known as the Farmers Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such proportion as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance or otherwise shall also be credited to the Fund.

Farmers
Welfare Board for
administering the
Fund.

4. (1) The Central Government shall set up a Farmers Welfare Board for the purpose of administering the Fund.

(2) The Board shall consist of—

(i) a Chairperson, to be appointed by the Central Government;

(ii) one representative each of the Union Ministries of Power, Water Resources, New and Renewable Energy, Rural Development and Finance;

(iii) one representative of the Planning Commission;

(iv) one representative of every State Government;

(v) three members representing the agro-based commerce and industry sector;

(vi) one representative of the farmers; and

(vii) the Secretary of the Union Ministry of Agriculture who shall be *ex-officio* Secretary to the Board.

(3) The conditions of service, salaries and allowances of Chairperson and other members of the Board shall be such as may be prescribed.

(4) The Board shall have such number of officers and staff as required for its efficient functioning.

Duties of the
Board.

5. (1) It shall be the duty of the Board to formulate policies and guidelines regarding welfare of the farmers.

(2) The Board shall utilize the Fund for the following purposes:—

(i) free education to the children of farmers;

(ii) free medical facilities for farmers and their families;

(iii) payment of disability allowance to farmers for injuries leading to disability sustained at work;

(iv) life insurance cover to the farmers;

(v) compensation to the farmers or their families, as the case may be, in case of accidents resulting in permanent disability or death;

(vi) payment of old age pension to the farmers;

(vii) payment of subsistence allowance to the farmers during off-season; and

(viii) financial assistance to the farmers at the time of marriage of their children, particularly daughters.

Survey of
farmers.

6. (1) Every State Government and the Union Territory Administration, shall conduct a district-wise survey, in such manner and with such details, as may be prescribed, of all farmers within their respective jurisdictions and cause the same to be published in such manner and form, as may be prescribed.

(2) Any complaint or objection relating to inclusion or omission of name of any farmer shall be addressed to the District Magistrate concerned who shall, after due inquiry, decide upon the rectification of the records.

7. (1) Every bank and financial institution shall extend loans to farmers, whether for farming or personal needs, without seeking any mortgage or guarantee or putting any other condition.

Banks to give loans to farmers without any guarantee.

(2) The rate of interest charged on such loans shall not exceed four per cent simple interest per annum:

Provided that the rate of interest shall not be increased before five years from the commencement of this Act and any subsequent increase in the rate of interest shall also not be made before a lapse of five years.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Even though farmers and agriculture form the backbone of our economy, it is surprising that Government does not have any proper policy for the welfare of farmers as well as their family members. The condition of farmers who own small holding of land is even worse. There are a few welfare schemes in existence but these have not resulted in any noticeable improvement in their living conditions. There is no institutional arrangement to meet their credit needs. For that, they have to depend upon the local bankers and *mahajans* who charge exorbitant rates of interest. Once in debt, it becomes very difficult for them to come out of this debt trap. In some parts of the country, farmers are committing suicide as they are neck deep in debt. If this trend is not reversed soon, it can be easily imagined what is going to happen. It may also threaten the food security which we have attained after a lot of struggle.

There is need for providing a net of social security for them. Banks and financial institutions should also provide loans to the farmers at low rates and without stringent conditions with regard to guarantee and mortgage.

The Bill seeks to achieve the above objectives.

NEW DELHI;

ADHALRAO SHIVAJI PATIL.

November 8, 2006

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a Farmers Welfare Fund to which the Central and State Governments shall contribute in such proportion as may be prescribed. Clause 4 provides for the formation of a Board to manage the Fund. Clause 5 provides for the utilisation of Fund for welfare measures of the farmers. Clause 6 provides for district-wise survey of all the farmers covered by the provisions of the Bill. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union Territories shall be borne out of the Consolidated Fund of India.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees twenty thousand crores will be involved.

A non-recurring expenditure of about rupees twenty-five thousand crores would also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 21 OF 2007

A Bill to provide for the identification of persons living below poverty line and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Persons Living Below Poverty Line (Identification) Act, 2007. Short title and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) “Board” means the Board for Identification of Persons Living Below the Poverty Line set up under section 3;

(iii) “List” means list of persons living below poverty line published by the nodal authority under section 7;

(iv) “nodal authority” in relation to a district means the District Collector of that district;

(v) "person living below poverty line" means any person whose name has been published in the list by the nodal authority under section 10; and

(vi) "prescribed" means prescribed by rules made under this Act.

Setting up of a Board for Identification of Persons Living Below Poverty Line.

3. (1) The Central Government shall set up a Board to be known as the Board for Identification of Persons Living Below Poverty Line.

(2) The Prime Minister shall be the *ex-officio* Chairman of the Board.

(3) The Board shall consist of the following members—

(i) the Union Minister of Finance;

(ii) the Union Minister of Planning and Statistics;

(iii) the Union Minister of Rural Development;

(iv) the Deputy Chairman, Planning Commission; and

(v) the Ministers-in-charge of the Government of States dealing with matters relating to Planning.

(4) For the effective implementation of this Act, the Board may engage the services of such consultants or specialists, as it may deem fit.

Fixing of criteria to determine persons living below poverty line by the Board.

4. (1) It shall be duty of the Board to fix the criteria to be applied for determining the persons living below poverty line.

(2) For the purposes of sub-section (1), the Board shall take into consideration the following factors, namely:—

(i) the total income of the person;

(ii) his family size;

(iii) his monthly food consumption;

(iv) the area of land holding, if any, held by him;

(v) his indebtedness;

(vi) such other factors, as the Board may deem fit:

Provided that the Board may fix different criteria for the purpose of determining persons living below poverty line for different States and regions.

Publicity to criteria fixed by the Board.

5. The Central Government shall give wide publicity to the criteria fixed by the Board to determine persons living below the poverty line.

Review of criteria fixed by the Board.

6. The Board shall review the criteria fixed under section 4 once in every five years.

Nodal authority to identify and publish the list of persons living below poverty line.

7. It shall be the duty of the nodal authority in every district to identify the persons living below the poverty line and publish the list, in such form and manner, as may be prescribed, of such persons.

8. (1) Any person who meets the criteria fixed by the Board under section 4 may apply, in such form and manner, as may be prescribed, to the nodal authority for inclusion of his name in the List of persons living below poverty line.

Application for inclusion of a name in the List.

(2) On receipt of an application made under sub-section (1), the nodal authority shall cause an enquiry to be made, in such manner, as may be prescribed, within a period of thirty days.

(3) The nodal authority shall, if satisfied from the enquiry report, include the name of such person in the List of persons living below poverty line.

9. (1) Any person, who objects to the inclusion or omission of any name in the List, may file a complaint with the nodal authority in such form and manner as may be prescribed.

Complaint against inclusion or omission of a name in the List.

(2) On receipt of a complaint made under sub-section (1), the nodal authority shall, after giving the complainant and the affected person an opportunity of being heard, dispose off the complaint in such manner as may be prescribed, within a period of thirty days from the date of receipt of such complaint.

10. The nodal authority shall review and revise the List of persons living below poverty line in its jurisdiction from time to time.

Review and revision of the List.

11. Notwithstanding anything contained in any other law for the time being in force, all persons whose names have been included in the List published by the nodal authority, shall be eligible to avail of the benefits of any welfare scheme or programme initiated by the appropriate Government in the area under the jurisdiction of the nodal authority.

Welfare schemes or programmes initiated by the appropriate Government.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Determining the criteria for identification of persons living below the poverty line has always been a bone of contention, as no proper guideline has been issued by the Government in this regard. Consequently, welfare schemes initiated by the Government run into rough weather as these schemes do not reach the targeted sections of the society.

Therefore, it is necessary to identify the persons living below the poverty line and to extend the benefits of welfare schemes to them. The Bill seeks to provide for setting up of a Board to be known as the Board for Identification of Persons Living Below Poverty Line to fix the criteria for identification of persons living below the poverty line. The criteria fixed by Board can be used by the appropriate authority while extending the benefits of welfare schemes for poor persons launched by the appropriate Governments.

Hence this Bill.

NEW DELHI;
November 8, 2006

ADHALRAO SHIVAJI PATIL.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Board to be known as the Board for Identification of Persons Living Below Poverty Line to fix the criteria for identification of persons living below poverty line in the country. Clause 5 provides for wide publicity of the criteria fix by the Board. Clause 7 provides, *inter alia*, for the publication of the List of persons living below poverty line by the nodal authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 3 OF 2007

A Bill to provide for the protection and welfare of widows and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Widows' Welfare Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(i) 'appropriate Government' means in the case of a State Government, the Government of that State and in all other cases, the Central Government;

(ii) 'prescribed' means prescribed by rules made under the Act; and

Short title,
extent and
commencement.

Definitions.

(iii) 'widow' means any woman whose husband has expired after her legal marriage and who has not remarried and has no source of income or livelihood;

Widows'
Welfare Fund.

3. (1) The Central Government shall set up a Fund to be known as the Widows' Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the fund in such proportion as may be prescribed.

(3) The Fund shall also consist of contributions made by Voluntary Organizations and donations or contributions received from other organizations or individuals.

(4) The Fund shall be managed by a Board consisting of—

(i) the Union Minister of Social Justice and Empowerment who shall be its *ex-officio* Chairman;

(ii) one representative of the Union Ministry of Finance;

(iii) one representative of every State Government;

(iv) one representative of the voluntary organizations working in the field of widows' welfare; and

(v) the Secretary of the Union Ministry of Social Justice and Empowerment, shall be the *ex-officio* Secretary to the Board.

4. (1) The Central Government shall formulate a scheme for the protection and welfare of widows.

(2) The scheme shall provide for—

(i) payment of monthly subsistence allowance to every widow;

(ii) free health care facilities to the widows and their dependents;

(iii) free educational facilities for the dependent/minor children of widows;

(iv) setting up of widows' homes in every district;

(v) insurance facility for widows;

(vi) financial assistance for marriage of children of the widows;

(vii) loan facilities for self-employment of widows; and

(viii) any other matter deemed necessary or expedient by the appropriate Government.

5. (1) The appropriate Government shall implement the scheme formulated under section 4 of this Act.

(2) The expenditure for implementation of the scheme shall be met out of the Widows' Welfare Fund constituted under section 3.

6. The Central Government shall make provision for suitable employment to every widow as per her qualifications and experience in services under the Central Government.

7. The appropriate Government shall maintain a register of widows, in such form and manner, as may be prescribed.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Formulation
of a scheme
for the
protection
and welfare
of widows.

Implementation
of widows
welfare
scheme.

Provision for
suitable
employment
for widows.
Maintenance
of a register
for widows.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

The condition of widows in the country is very pathetic. There is no scheme for their protection and welfare. They are left to fend for themselves and nobody takes care of them. They die of hunger and diseases.

Majority of the widows do not have any source of income. Even their children do not take care of them.

In these circumstances, it is the responsibility of the State to come forward to undertake welfare schemes for widows. It is, therefore, proposed in the Bill to set up a Widows' Welfare Fund for their protection and welfare.

The Bill seeks to achieve the above objective.

NEW DELHI;
December 8, 2006

ADHALRAO SHIVAJI PATIL.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of the Widows' Welfare Fund. The Central Government has to contribute to the Fund. Clause 5 provides that the appropriate Government shall implement welfare scheme for the widows. Clause 6 provides that the Central Government shall make provision for suitable employment for widows. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees three thousand crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 16 OF 2007

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2007.

Insertion of
new articles
16A and
16AA.

2. After article 16 of the Constitution, the following articles shall be inserted, namely:—

Right to
Employment.

“16A. The State shall provide gainful employment to all legally eligible citizens:

Provided that if the State fails to provide employment to any such citizen, he shall be paid such subsistence allowance on such terms and conditions, as may be prescribed by law, till he gets gainful employment.

Right to
subsistence
allowance in
cases of old
age, etc.

16AA. The State shall pay subsistence allowance on such terms and conditions, as may be prescribed by law, to all citizens who are not provided with gainful employment under article 16A on account of old age, sickness, disablement or any other undeserved want.”

3. For article 41 of the Constitution, the following article shall be substituted, namely:—

“41. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to education for all citizens.”.

Substitution
of new article
for article 41.

Right to
education.

STATEMENT OF OBJECTS AND REASONS

The current age is that of globalization and privatization. As a result of rise of big industrial houses, the small scale industries, which used to act as an employment generator, are facing closure. Even agriculture is declining in the recent years and there is a widespread migration of people from rural areas as a result of low wages. This has resulted in increasing incidence of deaths due to malnutrition and stress especially in rural areas. This state of affairs has not just social implications but law and order implications as well, as the affected population may be easily lured into acts of anarchy by unscrupulous elements. Therefore, to check this tendency, it is necessary that the right to work is made the fundamental right and subsistence allowance is paid to those who are not provided with any work or those who are not fit to work. This measure will go a long way in providing economic security to all the citizens.

Hence this Bill.

NEW DELHI;
December 1, 2006

SURAVARAM SUDHAKAR REDDY.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the State shall provide gainful employment to all legally eligible citizens. Those who are not provided with employment or those who are not fit for employment on account of old age, sickness, etc. shall be paid subsistence allowance. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees fifty thousand crores will be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

BILL NO. 7 OF 2007

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2007. Short title.

C.O. 19

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in Part XXIV.—
Uttaranchal, after entry 65, the following entries shall be inserted, namely—

Amendment
of the
Schedule.

“66. Od

67. Pod, Poundra

68. Namasudra”.

STATEMENT OF OBJECTS AND REASONS

The people belonging to the 'Od Rajput' Community in the States of Uttaranchal and Uttar Pradesh, who were displaced from Multan region of Pakistan at the time of partition, have not yet been included in the list of Scheduled Castes of these States despite the fact that the same caste has been included in the list of Scheduled Castes of other States like Haryana, Punjab and Delhi. This disparity needs to be removed immediately.

Persons belonging to Od caste reside in many districts of Uttaranchal. These people use surnames like Kudawali, Virpali, Kahaliya, Sarvan, Mangal, Mundai, Galagat, Bhagat, Majoka, etc. Even today, their economic, social and educational condition is pitiable. There is a long pending demand to include Od caste in the list of Scheduled Castes. The Od Rajput Utthan Samiti has been campaigning for long at various levels to include the Od caste in the list of Scheduled Castes.

Similarly, Namasudra and Pod (Poundra) castes of Bengali community displaced from erstwhile East Pakistan have been accorded the status of Scheduled Castes in the State of West Bengal but not in the State of Uttaranchal. These castes also need to be included in Scheduled Castes in relation to the State of Uttaranchal so that development of these communities can be ensured.

The Bill, therefore, seeks to amend Part XXIV.—Uttaranchal of the Schedule to the Constitution (Scheduled Castes) Order, 1950, with a view to include the above mentioned castes in the list of Scheduled Castes in relation to the Uttaranchal State.

Hence this Bill.

NEW DELHI;
December 18, 2006

K.C. SINGH "BABA".

BILL No. 38 OF 2007

A Bill to provide for voting rights and setting up of a National Commission for Non-Resident Indians for the purpose of providing assistance to them in the countries where they reside and work and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Non-Resident Indians (Voting Rights and Welfare) Act, 2007.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "Commission" means the National Commission for Non-Resident Indians set up under section 5;

(iii) "Committee" means the non-resident Indian Coordination Committee set up under section 9;

(iv) "Corporation" means the Non-Resident Indians Rehabilitation Corporation set up under section 4;

(v) "Fund" means the non-resident Indian Assistance Fund set up under section 8;

(vi) "non-resident Indian" means any person who is a citizen of India and who stays abroad for employment or for carrying on any business or vocation outside India; and

(vii) "prescribed" means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any other law, for the time being in force, every non-resident Indian shall have right to vote in all elections to the House of the People, legislative assemblies of the States/Union Territories and local bodies.

4. (1) The Central Government shall constitute a Non-Resident Indians Rehabilitation Corporation in such manner as may be prescribed.

(2) The Corporation shall have a fund to which shall be credited all monies received from the non-resident Indians by way of investment in such manner as may be prescribed.

(3) The fund shall be used for projects aimed at rehabilitation of the non-resident Indians including projects relating to housing, health care, education or tourism.

5. (1) The Central Government shall, within three months from the commencement of this Act, set up a National Commission for Non-Resident Indians.

(2) The Commission shall consist of:

(i) an eminent person having special knowledge or practical experience in the field of welfare of non-resident Indians who shall be nominated by the Central Government as Chairman;

(ii) three members of Parliament of whom two shall be from Lok Sabha and one from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses;

(iii) three members of Legislative Assemblies of the States from where a large number of non-resident Indians are working abroad, to be nominated by the Central Government;

(iv) one eminent lawyer to be nominated by the Central Government; and

(v) one eminent journalist to be nominated by the Central Government.

(3) The Commission shall have a term of office of three years.

(4) The salaries and allowances payable to and other conditions of service of the Chairman and other members of the Commission shall be such as may be prescribed.

(5) The Commission shall have its head office in New Delhi.

(6) The Central Government shall provide such number of officers and staff to the Commission as is required for its efficient functioning.

(7) The salaries and allowances payable to and other conditions of service of the officers and staff of the Commission shall be such as may be prescribed.

6. The Commission shall perform the following functions, namely:—

(i) make recommendations to the Government regarding formulation of a welfare policy for the non-resident Indians;

(ii) study the problems being faced by the non-resident Indians and suggest measures to overcome them;

Right to vote
for non-
resident
Indians.

Non-Resident
Indians
Rehabilitation
Corporation.

National
Commission
for Non-
Resident
Indians.

Functions of the
Commission.

(iii) take steps for the promotion of social, economic and cultural interests of the non-resident Indians;

(iv) work out a method in coordination with other authorities for enabling non-resident Indians to exercise their right to vote during elections to the House of the People, Legislative Assemblies of the States and local bodies;

(v) work in coordination with the Embassies and High Commissions of India to solve the problems of the non-resident Indians in those countries; and

(vi) act as nodal agency for all issues relating to non-resident Indians.

7. The Commission shall submit an annual report on its functioning to the President who shall cause it to be laid in each House of Parliament not later than a period of thirty days from the date of its submission to the President.

Commission to submit an annual report.

8. (1) The Central Government shall set up a Fund to be known as the Non-Resident Indians Assistance Fund.

Non-Resident Indians Assistance Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance from non-resident Indians or otherwise shall also be credited to the Fund.

(4) The Fund shall be used for meeting the expenditure incurred in the implementation of measures undertaken for the welfare of non-resident Indians.

9. (1) Every Embassy/High Commission of India shall constitute a Non-Resident Indian Coordination Committee to be headed by an officer not below the rank of First Secretary and two other officers having such qualifications as may be prescribed:

Every Embassy/High Commission to constitute a non-resident Indian Coordination Committee.

Provided that at least one of the members of the Coordination Committee shall have knowledge of the mother tongue of the non-resident Indians living in that country.

(2) The Committee shall keep the details of all the non-resident Indians living in that country.

(3) The Committee shall render all assistance to the non-resident Indians in case of any problem including problem relating to their jobs, health care or in completion of all formalities in case of death.

(4) The Committee shall also render legal assistance to the non-resident Indians whenever required.

10. (1) The appropriate Government shall designate the Block Development Officer as the Nodal Officer in every Block of the country to maintain a register for the citizens going abroad containing such details as may be prescribed.

Block Development Officer to keep details of citizens going abroad.

(2) It shall be the duty of every citizen going abroad for residence or work to register himself with the Nodal Officer appointed under sub-section (1).

11. (1) The appropriate Government shall appoint an officer not below the rank of District Collector in every district to compile the details of all the citizens residing within their respective jurisdiction and going abroad for residence or work and forward the same to the respective Embassy or High Commission of India, as the case may be, for information.

District Collector to compile and forward the details of citizens going abroad to Embassies/High Commissions.

(2) It shall be the duty of every Nodal Officer so designated under sub-section (1) of section 10 to forward to the District Collector the details of citizens going abroad for residence or work in such manner as may be prescribed.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

There are millions of Indians working all over the world in different walks of life. They are the non-resident Indians (NRIs) whose contribution to our economy cannot be over-emphasized.

There are eminent scientists, information technology experts, engineers, doctors, nurses, teachers and large number of workers, both skilled and unskilled, among them. Their problems are varied and many. There is no comprehensive legislation for tackling their problems. This Bill is an attempt in that direction.

They are living in a foreign country and in case of any difficulty, they have to fend for themselves. If they fall ill, there is nobody to take care of them. If, unfortunately, they die, so many formalities have to be completed that their kins have no clue. Moreover, in case of any legal wrangle, they have no idea whom to approach for help. In case of their working conditions, pay, medical care, etc., there are many complaints and there is no mechanism with our foreign missions to take care and attend to them.

On the other hand it is unfortunate that there is no mechanism in our country to keep record of citizens going abroad for work. In the absence of any data, it becomes difficult to formulate any policy for their welfare. Besides, the non-resident Indians have also been making demand that they be given right to vote.

In view of the above, it is proposed in the Bill to provide them right to vote and to set up a National Commission for non-resident Indians which will have mandate to work for the welfare of non-resident Indians. In addition, a non-resident Indians Assistance Fund is also proposed. It is also proposed to set up a Coordination Committee in every Embassy/High Commission of India with the purpose of looking after the welfare of the Indian citizens living there.

Hence this Bill.

NEW DELHI;
February 19, 2007

C. K. CHANDRAPPAN.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a Non-Resident Indians Rehabilitation Corporation. Clause 5 provides for setting up a National Commission for Non-Resident Indians. Clause 6 provides that the Commissions shall study the problems being faced by the non-resident Indians and take steps for tackling them. Clause 7 provides that the Commission shall submit an annual report to the President. Clause 8 provides for the setting up of Non-Resident Indians Assistance Fund. Clause 9 provides for the constitution of Coordination Committee in every Embassy/High Commission for providing assistance to the Indians living in those countries. Clause 11 provides that the District Collector shall forward the details of Indian citizens going abroad for work to Embassies/High Commissions concerned. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore will be involved.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 34 OF 2007

A Bill to provide for regularisation and universalisation of Integrated Child Development Services in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Integrated Child Development Services (Regularisation) Act, 2007.

(2) It shall extend to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “anganwadi centre” means any centre which shall be used for providing integrated child development services by the appropriate Government and includes all the existing centres being used for providing integrated child development services in the country;

(b) "appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government; and

(c) "prescribed" means prescribed by rules made under this Act.

3. On and from such date as the Central Government may by notification in the Official Gazette appoint, the existing Integrated Child Development Services for the overall development of children shall be deemed to be regularized and institutionalized under this Act in such manner as may be prescribed.

Regularisation and institutionalization of integrated child development schemes. Setting up of adequate number of anganwadi centres.

4. (1) The appropriate Government shall establish adequate number of anganwadi centres in every settlement or village throughout the country.

(2) The appropriate Government shall make available land, building and all basic facilities including nutritious meal, educational games, toys, stationery items, books, television sets, computers and all other materials required for the overall development of children and facility of pre-natal and post-natal care to infants and mothers at every anganwadi centre.

(3) The appropriate Government shall regulate the functioning of anganwadi centres, through such bodies of local self-government, as may be prescribed.

5. (1) In every anganwadi centre requisite number of anganwadi teachers and anganwadi assistants shall be appointed.

Appointment of 'anganwadi teachers and anganwadi assistants'.

(2) The 'Anganwadi workers' and 'helpers' working in the existing anganwadi centres shall hereafter be known as 'Anganwadi teachers' and 'Anganwadi assistants', respectively.

6. (1) The Central Government shall set up a Committee to be known as the National Committee for the Welfare of Persons working in anganwadi centres in such manner as may be prescribed.

National Committee for the welfare of persons working in anganwadi centres.

(2) The National Committee shall perform the following functions, namely:—

(i) suggest measures to streamline the functioning of anganwadi centres;

(ii) identify and recommend about areas where new anganwadi centres need to be opened keeping in view the number of incidences of malnutrition reported among children and women living in that area;

(iii) monitor the functioning of anganwadi centres particularly in the areas where incidences of malnutrition of children and women are reported;

(iv) conduct foundation training course for anganwadi teachers and assistants;

(v) prescribe the educational qualification and other criteria for appointment as anganwadi teachers and assistants;

(vi) regulate conditions of service including working hours, salary, allowances, over-time, honorarium, leave, provident fund and other benefits including maternity benefits for anganwadi teachers and assistants;

(vii) provide free health care to anganwadi teachers and assistants and their minor children;

(viii) provide insurance cover to anganwadi teachers and assistants; and

(ix) suggest any other measures for the overall development of children and women and efficient functioning of anganwadi centres.

Foundation training course for anganwadi teachers and assistants.

7. (1) Every anganwadi teacher and assistant shall undergo foundation training course in such manner as may be prescribed:

Provided that the foundation training course shall be optional for all anganwadi teachers and assistants who have attained the age of fifty years:

Provided further that any anganwadi teacher or assistant who has attained the age of fifty years and who does not opt for foundation training course shall not be entitled for any benefit under the provisions of this Act.

(2) Within one year from the commencement of this Act, every anganwadi teacher or assistant below the age of fifty years shall furnish a declaration stating therein his willingness to join the foundation training course as provided under sub-section (1).

(3) Any anganwadi teacher or assistant below the age of fifty years who does not furnish the declaration and does not opt for foundation training course as provided under sub-section (1) and (2) shall be compulsorily retired.

Release of funds.

8. The Central Government shall, after due appropriation by the Parliament, release the necessary funds to the National Committee for effective implementation of the Act.

Power to remove difficulties.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing such difficulty.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The rights of women and children and their aspirations are of paramount importance in our march towards an inclusive and equitable society. Keeping in view the constitutional provisions and for giving greater focus to issues relating to women and children, it is necessary to invest more in the programmes meant for eradication of malnutrition and expansion of anganwadi centres. It is a fact that the Integrated Child Development Services (ICDS) has grown by leaps and bounds with the wide range of activities being brought within its ambit and consequent expansion of the area of work of anganwadi workers and helpers and increasing their working hours. There is no justification for them being treated as social and honorary workers with the paltry amount doled out to them as honorarium, especially when they have put in long years of service. The credit of success of the integrated child development services scheme goes to the hard work of the anganwadi workers and helpers. These anganwadi workers are working in close relationship with the people and their services are being utilized by the respective State Governments for a whole range of activities—be it survey, promotion of small savings, providing health care, group insurance or non-formal education. Despite their yeoman's service to the people at the grassroots level, the demand for seeking regularization and institutionalization of services is not being agreed to by the Government. Therefore, in recognition of their services, they need improvement in their service conditions and remunerations. There is also need for an effective system of supervision of anganwadi centres.

In view of the above, the Bill seeks to provide for universalisation, regularization and institutionalization of Integrated Child Development Services for the all-round development of children and expansion of anganwadi centres for effective implementation of the scheme.

Hence this Bill.

NEW DELHI;
February 19, 2007

C.K. CHANDRAPPAN.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for institutionalization of the Integrated Child Development Services by the Central Government. Clause 4 provides for setting up of adequate number of anganwadi centres with all basic facilities in every settlement. Clause 5 provides for appointment of anganwadi teachers and assistants. Clause 6 provides for setting up of a National Committee for the welfare of persons working in anganwadi centres. Clause 8 provides that the Central Government shall release necessary funds to the National Committee for effective implementation of this Bill. The State Government shall incur expenditure in respect of their State out of their respective Consolidated Funds for implementing the provisions of this Bill. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten thousand crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 empowers the Central Government to make rules for carrying out the provisions of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 44 OF 2007

A Bill to provide for the setting up of a Board for the development and promotion of cashew cultivation, cashew nut processing, marketing and research to improve its production and productivity and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement

1. (1) This Act may be called the Cashew Development Board Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in case of a State, the Government of that State and in all other cases, the Central Government;

(b) “Board” means the Cashew Development Board constituted under section 3;

(c) "cashew" means and includes both raw and processed cashew; and

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) Not later than three months from the commencement of this Act, the Central Government shall establish a Board to be known as the Cashew Development Board.

Cashew
Development
Board.

(2) The Board shall consist of:—

(a) a Chairman to be nominated by the Central Government having outstanding calibre and eminence in the field of cashew cultivation, research or marketing;

(b) two members of Parliament of whom one shall be from Lok Sabha and one from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses;

(c) two members to be appointed by the Central Government one each to represent the Legislative Assemblies of Kerala and Tamil Nadu;

(d) two members to be appointed by the Central Government by rotation in the alphabetical order to represent the State legislatures of Karnataka, Goa, Andhra Pradesh, Orissa and Maharashtra:

Provided that every appointment under sub-clauses (c) and (d) shall be made on the recommendation of the Presiding Officers of the respective State Legislative Assemblies.

(e) three representatives, representing the union ministries of Commerce and Industry, Agriculture, and Finance, respectively, who shall be nominated by the Central Government;

(f) two members to be appointed by the Central Government one each to represent the Governments of the States of Kerala and Tamil Nadu;

(g) one member to be appointed by the Central Government by rotation in the alphabetical order to represent the States of Karnataka, Andhra Pradesh, Goa, Maharashtra and Orissa:

Provided that every appointment under sub-clauses (f) and (g) shall be made on the recommendation of the State Governments.

(h) two members representing the cashew farmers;

(i) two members representing the workers of cashew processing industry;

(j) two members representing the cashew processing industry;

(k) one member representing the food processing industry;

(l) one member representing the Indian made foreign liquor industry; and

(m) the Secretary to the Union Ministry of Commerce and Industry, who shall be the Member-Secretary to the Board, *ex-officio*.

(3) The Board shall have a term of office of three years.

(4) The salaries and allowances payable to and other conditions of service of the Chairman and other members of the Board shall be such as may be prescribed.

(5) The Board shall have its office at Kollam in the State of Kerala.

(6) The Central Government shall provide such number of officers and staff to the Board as is required for its efficient functioning.

(7) The salaries and allowances payable to and other conditions of service of the officers and staff of the Board shall be such as may be prescribed.

Functions of
the Board.

4. The Board shall perform the following functions:—

(i) make recommendations to the Central Government regarding formulation of a comprehensive policy regarding cashew cultivation, processing, marketing, value addition of cashew products, research and development aimed, *inter alia*, at discovering new uses of cashew products;

(ii) formulate welfare measures for cashew cultivators and workers in cashew industry and advise the appropriate Government accordingly;

(iii) study the problems in cashew cultivation, processing, marketing including issues in product diversification, value addition, research and development of cashew;

(iv) identify new cashew markets overseas and send business delegations to study those markets;

(v) set up training and research institutes for imparting expertise in cashew cultivation, value addition and product diversification; and

(vi) recommend measures to expand cashew cultivation in new areas in order to attain self-sufficiency in cashew nuts.

Grants by the
Central
Government.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Board by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act;

Cashew
Development
Fund.

6. There shall be formed a Fund to be called the Cashew Development Fund and there shall be credited thereto—

(a) any grant by the Central Government for the purposes of this Act;

(b) any grant or donation from State Governments, voluntary organisations or other institutions:

Provided that no such grant, loan or donation shall be credited to the Fund except with the prior approval of the Central Government.

Accounts and
audit.

7. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India or any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

8. The Board shall submit an annual report on its functioning to the President of India who shall cause it to be laid in each House of Parliament not later than a period of thirty days from the date of its submission to the President.

Board to submit an annual report.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

India is the largest producer of Cashew nuts, biggest consumer and also the largest exporter of processed cashew nuts. It provides livelihood to lakhs of farmers, provides employment to lakhs of workers in the cashew based industries and it is one of the most important export earners for the country.

However, cashew cultivators are mainly the small farmers and the cultivation is done in a very unorganised and unscientific manner. The farming practices and post harvest technology are all very traditional and backward. There is hardly any research done in any aspect of cultivation, processing, marketing and product diversification or the value addition. All these factors lead to the fact that productivity of cashew in the country is very low.

But the possibilities in this field are unlimited. There is a huge possibility of expanding the cultivation of cashew nut and increasing the production and productivity of cashew nuts as well as in the field of value addition and also new uses of cashew products. There is also a big possibility of manufacturing high quality liquor from cashew kernels, which at present goes as waste. Though there is scope for quality improvement, the "Fenni", being made in Goa from cashew kernels, is an example. Cashew nuts can also be used for making drugs. Cashew trees may prove very useful for the timber industry, the pulp industry, etc.

The formation of the Cashew Development Board is primarily meant for improving the techniques of cashew farming and giving boost to cashew processing industry, manufacturing industry based on cashew, product diversification, promotion of research and value addition along with market promotion and research and development.

If all these are done with a measure of success, it would bring prosperity to this sector in agriculture and a new industry will be developed with tremendous potential and possibility.

The Bill seeks to achieve these objectives.

NEW DELHI;
March 13, 2007

C.K. CHANDRAPPA.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Cashew Development Board. Clause 4 provides that the Board shall perform certain functions for the welfare of cashew farmers and workers of cashew based industries. Clause 5 provides that the Central Government shall provide money, after due appropriation made by Parliament by law in this behalf, to the Board by way of grants. Clause 6 provides for the setting up of Cashew Development Fund. Clause 7 provides that the Board shall maintain proper accounts and relevant records and bear the expenditure for auditing of the accounts. Clause 8 provides that the Board shall submit an annual report to the President. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees ten crore will be involved.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 6 OF 2007

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called as the Constitution (Amendment) Act, 2007.

(2) It shall come into force at once.

2. In the Seventh Schedule to the Constitution,—

(i) In List II, entry 14 shall be omitted.

(ii) In List III, after entry 42, the following new entry shall be inserted, namely:—

"42A. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases."

Amendment of
the Seventh
Schedule.

STATEMENT OF OBJECTS AND REASONS

With about two-third of our population dependent on agriculture and agriculture sector accounting for more than twenty percent of the Gross Domestic Product, the importance of agriculture in our country cannot be over-emphasized.

At present agriculture is a State subject included in List II of the Seventh Schedule to the Constitution as item No. 14. As such, the Union Government does not have direct legislative or executive control. Recently a number of problems have come up in the agriculture sector, which have affected the agricultural produce, and in the recent years, agriculture has registered a slow and tardy growth. In order to address the agriculture related problems, it is necessary that uniform measures should be followed for promoting agriculture and also for assisting the agriculturists throughout the country. For this it is essential that agriculture should be transferred from List II (State List) to List III (Concurrent List) in the Seventh Schedule to the Constitution so that the Union Government may play a more proactive role in the agrarian sector and put in place farmer-friendly schemes uniformly applicable throughout the country.

Hence this Bill.

NEW DELHI;
December 4, 2006

INGRID MCLEOD.
P.D.T. ACHARY,
Secretary-General.